

NEWINGTON CONSERVATION COMMISSION

February 7, 2012

Special Meeting

I. CALL TO ORDER

Chairman Block called the Special Meeting of the Newington Conservation Commission meeting to order at 7:04 p.m.

II. ROLL CALL

In attendance:

Philip Block, Chairman
John Igielski, Secretary
Jeffrey Zelek, Vice-Chairman
Andreas Sadil, Member (7:10)
Kathleen Clark, Member (7:20)
Philip Shapiro, Member (7:40)
Alan Paskevich, Alternate sitting for the vacant position

Peter Arburrr, Chris Greenlaw, Town Engineer, Peter Boorman, Town Attorney.

III. ACCEPTANCE OF MINUTES

A. January 24, 2013

Chairman Block: The special meeting of January 24th, are we ready to proceed on that?

Commissioners: Yes.

Chairman Block: Any corrections or additions?

Commissioner Igielski moved to accept the minutes of the January 24, 2013 meeting. The motion was seconded by Commissioner Paskewich. The vote was unanimously in favor of the motion with four voting YES.

B. January 31, 2013

Chairman Block: Special meeting of January 31, 2013, has anybody read through those? Has anyone read through that one?

Commissioner Igielski: Not me because I just saw them this evening.

Commissioner Paskewich moved to table the minutes of the January 31, 2013 meeting. The motion was seconded by Commissioner Zelek. The vote was unanimously in favor of the motion, with four voting YES.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
(Each speaker limited to two minutes.)

None.

Chairman Block: I note that Andreas Sadil has arrived.

V. OLD BUSINESS

A. Application 2012-22 Russell Road North of Old Highway

Commissioner Igielski: Mr. Chairman, I think it would be appropriate to appoint Mr. Paskewich to stand in for a member of the Commission.

Chairman Block: I did. He's sitting for the vacant position.

In order to try and make best use of tonight's limited time, I had copies of the most recent blasting notes laid out in front of you, and to even save more time, if you would bear with me, what I would suggest doing is, I am going to read through the things that I found, wait, before we do that, I'm going to give you ten minutes to read them yourself, then I want to read through them, the ones that I found and we will augment that with anything that you guys have a concern about, and then once we know what the present status is, if there are any issues that have to be addressed which are not referenced in the notes, we will discuss those. Is that agreeable to everybody?

Chris Greenlaw: Also before you is an 8 ½ x 11 sheet, what that is, is you'll notice the blasting notes, the last lines or two are crossed off or are illegible, so on that sheet you will note that that paragraph is typed out for you and also in addition, if anyone wants a marker, a high-lighter, I have those for people if need be.

Chairman Block: Please pass them out, because I want you to high-light anything that comes to mind, because otherwise you will lose it.

So, I will leave you in peace until twenty after.

Meeting resumed 7:21 p.m.

Chairman Block: It's now 7:21 and we are going back on the record and I note the presence of Commissioner Clark and Chris, do you want to give us an introduction on the blasting notes?

Chris Greenlaw: What you have before you is sheet GN-1 and this is a page of notes, utility notes, blasting notes, general notes and you are seeing the sheet GN-1 was revised on 1/16/2013, so what you have in front of you is the blasting plans. Now this coincides with what I would offer you to refer back to the Special Meeting minutes of January 8th, and there is quite a bit of testimony in here from our expert which is Mr. Rick Hosley, Connecticut Explosives, and you can refer back to that for some of the specifics and some of the back and forth between Mr. Hosley and our consultant's experts and the development, these questions and the resulting blasting plan revisions is what you see before you on GN-1, so I offer that for you to refer back to.

Chairman Block: And with that, as I said before, I've marked mine up already, and I'm taking the prerogative, I'll go down my list and we'll discuss them, and if you have any other comments we will deal with them in turn.

On blasting note number one, the contractor shall conduct their activities in accordance with, I propose that we add the requirements of this wetland commission.

Commissioner Paskewich: I agree.

Chairman Block: Anything else on one? Now, two, it is anticipated that the results, that there is shallow bedrock ledge, I just corrected to say, it's shallow soil to bedrock because shallow bedrock I would imagine means that the bedrock is shallow, and that's not the case.

Commissioner Clark: Could you explain that again?

Chairman Block: It's shallow soil to bedrock. That way we are talking about a thin layer of soil above a large amount of bedrock. Item three, only refers to the pre-blast survey of buildings and structures within 300 feet, and as far as I can figure out, that doesn't affect us at all. The same is four, which is.....

Commissioner Sadil: Question Chairman Block, so there will be no pre-construction, pre-blast surveys on this project? I realize that buildings are not involved, but the wetlands will there be any.....

Chairman Block: This is a survey of the buildings.

Commissioner Sadil: So basically not even wetlands, there will be no pre-blasting, pre-construction, nothing.....

Chairman Block: That's later on.

Commissioner Sadil: There is a difference between what I read here and what I read later down, regarding the test blast on Lot 38.

Chairman Block: This is saying that they have to check any buildings, any structures, that is all this is referring to.

Commissioner Zelek: Are you saying that they are not going to be held to item number 3?

Chairman Block: They are going to be held to it, it's just not our concern. It's not relevant.

Attorney Boorman: Maybe Chris you can expound on this through your expertise. The experts, both sides, conferred to put this together and I suggest that you be very careful about changing anything in it, that is substantial, taking anything out for example, based on the fact that this is both sets of experts recommending this, so I'd be fairly careful about looking to substantially change anything there. If there is a correction by way of a notation, or something along those lines, that's different I think, but I would think there would be a reason to have each one of these here, to have a complete blasting plan.

Commissioner Sadil: It looks boiler plate to me.

Attorney Boorman: Exactly, and the boiler plate should stay in.

Chairman Block: Well again, the gist of my comments are that there are things which I find to either be omitted because they are not directed towards the wetlands issue, or things that are unclear that I think deserve to be clarified for our purposes, such as the soil over the bedrock issue.

Commissioner Zelek: So as we're going through this, although it's not recommended that we change any of the blasting notes, we can identify conditions that we may want to add to.

Chairman Block: Yeah, and I think it would be prudent if we had the time and the energy and it's appropriate for us to say what ever we would propose changing would be passed by Mr. Hosley and, to make sure that it doesn't diminish the scope of the blasting plan. I'm trying to make sure that it meets our needs as much as it appears to me and if I don't intend to diminish any of the responsibilities at all.

Commissioner Clark: So do you guys disagree then?

Attorney Boorman: I don't think we disagree, I think, I'm just kind of saying that two experts have actually been involved with this, and that their notes are there, and I would say that you want to be careful about eliminating anything that is on there, even if it is boiler plate only because these experts have done this in the past, they have set up this blasting report in a specific way, so I think you want to be careful about that. In terms of going through and making notes and addressing any questions, I think that is totally appropriate in terms of that. So I don't think we are saying anything different.

Chairman Block: Okay, just to make sure I didn't skip it, number four says that there has to be notice to residents and neighbors, again, doesn't apply to us, skip over it. Five, that the blasting contractor has to get permits from Newington, Wethersfield, and there will be others and required to adhere to the Town of Newington and Wethersfield Fire Marshal's office requirements, again, nothing to do with us.

Number six, the blasting contractor has to be bonded, nothing to do with us.

Number seven, prior to scheduling, it calls for the delivery of details. One of the details which I think needed to be specified before hand is the maximum PPV that is to be allowed, and in support of that position, in number eight, you will notice that the first line underneath the paragraphs says that monitoring that the maximum PPV does not exceed the pre-established limits. I didn't find any limits here, so somebody needs to put that number together.

Attorney Boorman: Chris is taking notes, here so we want to make sure that he understands your point here so he can go back and make sure accurately, are you all set, Chris?

Chris Greenlaw: Right, and one thing that I want to add is, I want to reiterate, when you go back to the testimony, these notes, a lot of them were derived from the particular specific notes in here. As a point of reference, January 8, page 29, to refresh your memory, he talks about, Mr. Siskin, and he discusses particle velocity, he talks about the zone of deformation, if you will and horse hair plaster and when it would break, and, so I think these things, I don't want to speak for you, but I think when you reflect back to them, there's a lot of testimony to discuss and some of these ranges have been established and maybe when we read this again I want to offer that I have come up with some conditions and maybe what we can do is utilize the conditions to augment the blasting notes, such that when we have the developer obtain a blasting expert, possibly of your choice, as a condition, that we ask, we make it a condition, these considerations a condition such that the expert can say yes, I'm aware of the ranges from the Siskin charts and the zone of deformation and I'm going to have this written into the plan such that we can monitor it.

Chairman Block: But again, basing back to the prior discussions that we have had, I'm perfectly happy for the applicant to present the maximum PPV, but I'm just saying, it needs to be in the blasting notes. And I would certainly say, once he does that, I think it's appropriate that Mr. Hosley would confirm that he agrees with that, so just again, for the second line on number eight...

Commissioner Sadil: Just to paraphrase, basically we are looking for some sort of speed limit so to speak, on the particle velocity, some sort of, what would be appropriate to this project, it's very nebulous as it's written right now.

Chairman Block: Well, they make reference to it being here, but it's not there.

Commissioner Sadil: Mr. Greenlaw, a question, how is it verified, somebody out there with a radar gun when the thing goes, or analytically....

Attorney Boorman: Monitors, and I'm talking way too much, so I'm going to try to stop, but Chris, I see his face is blank, so what I'm really concerned is that we don't get all the information that

you are going to ask in his notes, because he is the one that is going to take it and revise it, so if you're not comfortable, please ask through the Chair, what it is that he wants done on number eight or whatever number he is on.

Chairman Block: Just insert a number into the blasting notes for the PPV, however he wants to describe it, and Mr. Hosley agrees with, they call for a number, a limit.....

Chris Greenlaw: Did you want to phrase it in such a manner that any criteria that is critical to preserving any of the.....

Chairman Block: Integrity of the bedrock.

Chris Greenlaw: Specifically to the bedrock, whether it's frequency, whether it's velocity...

Chairman Block: Whatever the unit of measure is.....

Chris Greenlaw: You don't want to pigeon hole yourself, I just cautioned you into one criteria, it would be any criteria that would be beneficial to preserving that item that you are trying to protect.

Chairman Block: Right, the integrity of the bedrock.

Commissioner Paskewich: I have an item that I'd like to discuss.

Attorney Boorman: Let him finish writing that because I'm afraid that we're not going to have that, so let him finish that.

Commissioner Paskewich: You can stop me at any point in time if it is not referencing this, or legal to that matter. I'm covering all the bases. When expert Hosley spoke I asked him a question and the question was, how do we determine, or how do you determine as a blasting expert if there may be an aquifer that emerges during the blasting sequence and how do you determine if there is an aquifer before the blasting, or during it, and he said he didn't have an answer, and it was more site specific to an area of bedrock, so my question is the drilling. What if they are drilling and water is emerging from the drilling under pressure, and there is the potential of water under there, during the drilling that shows up. Is someone going to be bringing that forth?

Chairman Block: I'll give you three answers. First answer is that they opened up a spot, that's factious, the truth of the matter is, the testimony that we have had throughout the entire, and I believe is common knowledge, is that it's a more or less solid hill of basalt. There's not going to be any there. The third answer is that there are inspectors that are designated and if such a thing was to be discovered there would be a significant change that would require review through the blasting notes and the Town Engineer, and it would certainly come to our attention.

Commissioner Paskewich: Okay, what I don't know is, it's not in writing that I know....

Chairman Block: Yes, it is...

Attorney Boorman: Just referring to the blasting notes themselves, any time they have an anomaly like that, they need to stop. They need to be able to refer back and determine what that anomaly is.

Commissioner Zelek: I want to respond to your first answer, you said that they probably are not going to find ground water?

Chairman Block: I believe that that's the gist of the, now in the bedrock, his was concerned with the bedrock.

Commissioner Zelek: Yeah, I'm talking about the bedrock. I want to address that right now, because it's been a question in your mind, and I've had the same question. When we look at the cut face on Route 175, Cedar Mountain, and you see water coming out, half way down the cut-face, we question what is that? To me, that is an aquifer. There is something under the ground, there is water there. I want to point out specifically the CERT report, page 14, the basalt is highly fractured, containing both cooling fractures and tectonic fractures parallel to faults shown in figure 3. Some of the tectonic fractures have been mineralized with crystal, calcite and bering. The fractures for poor space for ground water and basalt under eastern portions of the parcel may form an aquifer that could yield water for domestic and agricultural use. So the CERT clearly says that an aquifer is possible within that basalt structure.

Chairman Block: All of the sweeps that I raised, and that have been discussed in the bedrock are, have all been operating under simple gravity. The water is flowing down, through, and out to where it is visible. If in fact there is any appreciable amount of water in the superficial spaces as described there, the information that we were told in the very beginning, and which I have to accept because I have no basis to refute it, is that that's a deeper section in the first twenty, thirty feet from the highest point of this watershed, now, there's not going to be, or, there's no sign of it, let me say it that way, and if there was, I'd certainly be active trying to protect it. But as I said, if by some miracle it is there, it's my understanding from these notes, that anybody involved with the project is going to have to bring it to our attention.

Commissioner Zelek: I don't read that here.

Chairman Block: Well, wait until we go on. On the second line of eight, verification of blast vibration will not adversely affect adjacent structures. You notice that they put wetlands in brackets after that, grammatically I don't know what that means, so what I am saying is, adjacent structures, pipelines or wetlands bedrock which I think makes it absolutely clear as to where the impact, where we don't want the impact to affect it.

Commissioner Sadil: Now the question that I had is verification, what standard is employed when you say that?

Chairman Block: Again, that is something that the blasting consultant and somebody else is going to have to look, label for me, because I don't know what parameter....

Commissioner Sadil: It's just too nebulous in my opinion.

Chairman Block: They are saying, verify it. I don't know how, but....

Commissioner Sadil: Will not adversely affect adjacent structures or wetlands bedrock.

Commissioner Clark: I have the same objection, that if we're the ones who need to accept these blasting notes, if we can't see explained exactly how they are going to verify it, and what they are going to do if they find a problem, and who in this group of people cares to make things stop, it certainly, I don't think this answers anything for me, I think it's just too vague. It is boiler plate because probably they have nobody objecting in most cases.

Chairman Block: Okay, then my understanding that in note eight we're requesting identification as to the method by which the verification will be accomplished. In each one of those issues, what standard are they going to use, is that, am I correct?

Commissioner Clark: How will they measure, affecting the wetland's bedrock. Again, I'll remind you that Mr. Hosley said this was, he was treading new ground and that it was an unprecedented situation in his experience which was many, many years, which they may not know.

Attorney Boorman: Maybe you should refer to the notes on that, because I don't think that is really what he said. What he is talking about is effectively set out, that this Inland Wetlands Commission has gone to such lengths, that it is unprecedented and therefore the blasting requirements that you are making and the investigation that you are doing, that's what is unprecedented.

Commissioner Clark: That wasn't my impression, but I will go back and look.

Chairman Block: Well again, I don't think, that issue doesn't really rise at this point. They are saying that they are asking for verification, we're just asking, what does verification mean? How are they going to verify it?

Chris Greenlaw: Mr. Chair, when you refer back to the testimony, he does discuss his experience, he makes an opinion about the rock, about an aquaclud, page 28 he mentions particle blasting.....

Chairman Block: Please note the appearance of Dr. Shapiro, for the record.

Chris Greenlaw: Continues to make statements as to blasting and the affects on the bedrock, on 30, so those are some statements in there that you might want to read some of the testimony in that area, it might answer some of your questions. There could be some interpretation as far as the monitoring, if he is making a certain statement as to what type of affect he is going to see on the rocks, so many feet away from the blast, so many feet deep, then I believe what the monitoring is, is to keep that in check, because we talked about where the test blast sites are going to be, he talked about where the monitoring stations were going to be, and that was going to be between the blast site and the wetlands, and that monitoring was to ensure that, he's testifying for the record how far away he thinks cracks are going to show up. So wouldn't that monitoring be in place as a surety in that case?

Chairman Block: Again in my mind the question comes up, as to I would appreciate having at least an idea, upfront, of how much of any of these given events is too much, and I think that is up to the blasting engineer that has designed this, and/or Mr. Hosley to tell us in each one of these regards, how much is going to be too much. It says that they want to, the maximum PPV does not exceed a pre-established limit and there isn't any limit in here, so I don't care what it is at this point, using speed, I don't care if the speed limit is 45 or 60 or 100, but just put something in there so we will know if it's been exceeded.

Commissioner Paskewich: I'm listening to everyone, including yourself, and I'm thinking out loud here, because I'm not sure it can be put in (inaudible) but I'm thinking for each drilling that they do there is going to be a report, okay, so I'm thinking, if something does emerge, it's a possibility of what we are discussing, each drilling is going to have a report written correct?

Attorney Boorman: Each drilling will be different, and each one of the tests that are done will be different and if it is out of whack with the professionals opinion, what is supposed to happen here, under the blasting plan, they are required to stop.

Chairman Block: But again, if you want to take that perspective, and again, I'm using their language, not mine, instead of verification to establish that to meet some requirement, it would be

certified that the maximum PPV would not harm or fracture the wetlands. They would phrase it differently. This is their phrasing, I'm just saying they have left a blank piece of data.....

Commissioner Paskewich: Well thats, I need to feel comfortable that each drilling aspect is going to be monitored and written as to anything that may occur that is going to be detrimental.

Commissioner Sadil: I did see the notes were they are required to record each blast and the depth and everything.

Chairman Block: Now if you go down to the last paragraph of eight, in the first line, it says the limiting criteria established from the test blasting program, so that means that after the test blasts are done, they are going to create a criteria that they will use to figure out how to make future blasts. The question that I was raising before in eight, and also is ahead of time again, how much is too much? How are they going to say, when they do the test blast, to begin with as well, that they don't want to go that far, we need a speed limit here.

Commissioner Paskewich: They do speak to over burden in an amount of elevation in here, fifteen feet.

Chairman Block: Yeah, but that is another issue that we will get to, but the question is again, the limiting criteria, put a value in there to start with, it's not going to be more than X.

Nine, I don't know where the language comes in that last line, as a primary means of selling or transporting material outside the rock excavation area. For our sakes, and not to be used as a primary means of breaking, selling or transporting material outside the rock excavation area. Again, they may have other reasons for selling and transporting, I don't care but I do care.....

Commissioner Zelek: I'm going to refer again to the CERT report, because the basalt is a valuable resource, this reviewer recommends that the town monitor removal of the trap rock from the site, to ensure that a small scale mining operation does not develop, unless specifically approved to offset some of the construction costs.

Chairman Block: Don't disagree, but that's

Commissioner Zelek: But number nine, selling and transporting materials outside of.....

Chairman Block: No, no, this is saying that you can't do it for those reasons, that's what nine is saying, but again, that's a Planning and Zoning issue, not ours, but the part of that that applies to us is we don't want them to be breaking any more rock.

Commissioner Zelek: If that is a TPZ issue, then I would like it to be a recommendation from this Commission to the TPZ that that be monitored.

Chairman Block: We'll make a note of it for when we are done, and when we sit as the Conservation Commission, we can make that recommendation.

Now you will notice again, in ten, in the second line, they say the PPV specified relative to the Town of Newington or Wethersfield utility, gas company, blah, blah, blah, again, they are calling for a specific value for the PPV that they haven't given us.

Commissioner Clark: Would that be a value that is set before this starts rather than something they want to develop as the blasting procedure goes on and might have to change based on need?

Chairman Block: Chris was saying before that between the factors involved, the depth of the cut, the tightness of the rock, and some other factors, there is going to have to be some sort of adjustment between the size of the blast and the distances eventually. Whether they are going to, I'm saying, on the outside I want something for them to say, to start with this much is going to be too much, so we won't pass this limit, but here they are saying that there is another value for the PPV that is relative to these other utilities, gas, MDC, etc., the Town of Newington and the Town of Wethersfield. But again, they haven't said it, so we don't know how much is too much. So I'm saying that I want that to be established. And it could well be that the utility companies do have a value for it that we don't know about, and again, I don't know whether or not that value is relative to our concerns.

Eleven is that an experience blaster and so on.

Twelve is that it doesn't make any noise.

Thirteen is that they have to warn the individual to protect themselves from blowing up themselves or rock.

Fourteen is that they again have to record and submit pertinent data as to the blast procedure, but it doesn't say to whom. Who are they supposed to submit that data to. I think they should say that and the question is again, at this point, I presume the Fire Marshal might have an interest, the Town Engineer might have an interest, do we want.....

Attorney Boorman: There are statutory requirements, all those people you are talking about, so they will all be part of that.

Chairman Block: Well again, are they....

Attorney Boorman: If you want to identify to who they report, I think you can ask them to do that, they can put that in the plan.

Chairman Block: And I'm wondering in this case if our blasting expert should receive that as well, for our concerns.

Fifteen is that the loading of the holes has to be performed in the presence of the owner's representative, again this I bowed to Chris and other issues as to what not that owners representative has to be made known to the Town. Who's the person who is responsible for supervising this? And that in the next to the last line on fifteen, it says the blast vibration data is to be given to the owner's engineer following each blast, I'd also suggest that it come to the Town Engineer.

Attorney Boorman: What number was that?

Chairman Block: Number fifteen, the next to the last sentence.

Commissioner Paskewich: I have an additional question that just emerged, we're speaking to the officials who are going to receive the reports, and by statute I agree with you, that's what occurs, and I don't know if this is a proper question for this Commission at this point in time, but overseers at the project, will there be a clerk of the works on this project?

Chairman Block: It's not a clerk of the works per se, because it's not a municipal project and that is where that terminology applies. But I presume there is a project manager.

Commissioner Paskewich: But clerk of the works will not be?

Chairman Block: No.

Commissioner Zelek: Question on procedure. So when they do a test boring, before they blast, who examines the test boring?

Chairman Block: At this point, the blast contractor.

Commissioner Zelek: The blast contractor.

Chairman Block: That's how he determined the size of the charge.

Commissioner Zelek: So my concern is that there could be a latent aquifer present which contributes to the physical characteristics of the wetlands, if it's possible I'd like to have our blasting expert also examine the samples, and if an aquifer, any indication of an aquifer is found, that the blasting is halted, and we allow REMA to come in and examine the results and determine if this aquifer is contributing to the physical characteristics of the wetlands.

Chairman Block: There are two things on that. If, to reinterpret what you are asking, I think that if any sign of moisture is found in the boring you're asking that it be reported to us, and then an opportunity to be evaluated.

Commissioner Zelek: Because all I see if reports going to their blasting, within their operation, it's not going external.

Chairman Block: And that's why I just said, and to the Town. But more importantly to that issue, and I'm not begging off on it, how do we relate that requirement to our jurisdiction so that it's not subject to rebuttal, that somebody can say, you have gone too far a field, because at that point in time, I don't again, I'm not objecting, I'm just presenting the other side of the argument, we don't have any information that I know of, so that any blasting area is part of the aquifer that is feeding either two or three.

Commissioner Zelek: Well, the CERT report refers to the eastern slopes of the trap rock area, so to me, the eastern part is where the development site is located. I've not heard anyone say that they could rule out that an aquifer is contributing to those wetlands. What I did hear was that they theorized that the water penetrates the surface, hits the bedrock and then follow the bedrock, the surface of the bedrock down into the wetlands. So they can't tell us. Now if they find an aquifer, I want to know if that aquifer is contributing to those wetlands.

Chairman Block: Well, again, as I said, if this Commission feels that that is within our jurisdiction, given this site, then I think that can probably be handled by adding it as a condition, a reporting requirement, that if there is any sign of a bedrock aquifer, that it has to be brought to our attention before proceeding. Is that what you want?

Commissioner Paskewich: Or emerging water.

Chairman Block: Well, emerging water would be an artesian situation and that is a step above finding it. What he was posing was a conventional well, where you drop a bucket down and there is water there, and you are saying that, if I understand you correctly, because of the difference of elevation above wetlands two, so therefore even if you have water up here, that is just hanging in there, it flows down and could raise up in the major wetlands. You're saying, it has to be an artesian which means under pressure and so on.

Commissioner Paskewich: Typically an aquifer is under pressure.

Chairman Block: No.

Commissioner Paskewich: No?

Chairman Block: No, it just lays there.

Commissioner Paskewich: Not in all cases.

Chris Clark: The only thing I want to add is whether you make this as a condition, that you make it specific to the area that you're drilling in relation to the ground water area for wetland two and three, and I give you by example that specifically there was a lot of discussion of the ground water and I believe that is what Jeff is getting at, so if you wanted to condition this you would want to specifically state in those areas, the drilling in those areas that contribute and then you also want to specify the type of drilling you are doing because what I presume Commissioner Zelek is getting at is that if we are drilling and we find water and it's specific to drilling for trench blasting versus a foundation blast, because even if it was a foundation or mass blasting, that water could still contribute to the wetlands. Conversely with, if you were drilling and you found an aquifer and it was for a utility, such as the sanitary line that we are concerned with that is very low, it would take that water away, so you want to make a condition that works and you want it to be specific, so I will add that language or that criteria if you follow through.

Chairman Block: Well, the first threshold that I want to pass is whether or not that is something that needs to be handed into the blasting notes itself, or is it something that we can resolve more easily by making it as just a simple condition on the permit.

Commissioner Clark: I have a question, who reads what, when? If it's a condition of the permit, but it's not in the blasting notes, does Mr. Blasting Contractor get this, but never sees any of the conditions? Why wouldn't it, if it's in as a condition, then I think it has to end up in the documents that are going to be in the hands of Mr. Blasting Man.

Chairman Block: Well, then again, I, it's a very good point and rather than make this into a novel, what I would suggest we do, is that in our conditions, require that the blasting contractor sign off that he has read the conditions.

Commissioner Zelek: I would take it a step further and I would require that our conditions be attached to the blasting notes that are given to the contractor.

Chairman Block: Well, again, if he signs off on them.....

Commissioner Zelek: Specifically highlighting the item that we are concerned about.

Chairman Block: Okay.

Commissioner Zelek: If an aquifer is detected. Now I don't know if it's a well, an artesian well under pressure, if it's at the bottom of the drilling, or if it's somewhere in the middle, any type of a porous straight where water is flowing through, whether it is at five foot down, or twenty feet down, I don't want to classify it, just that if an aquifer is detected during the drilling, it stops and we bring in our experts to examine the conditions.

Commissioner Paskewich: I think that is well thought out.

Commissioner Clark: I just have another question. I'm just trying to picture the crew that is on there on a particular day, is someone of the level of Mr. Hosley on the premises at all times, he, being my sample blasting contractor, or is he sending off employee A, B, C, and D and they are

doing the work and although they should be ultimately answerable to him, is everybody along this employee line completely aware of every condition and understand the concern. You would hope so.

Chairman Block: I would hope so, but I think it's a step too far. I think it's going to be more than enough if we have the blasting contractor sign off that he has received a copy and has read the conditions of the permit.

Commissioner Sadil: That's usually when we outsource work, even though we outsource it, I'm still responsible.

Chairman Block: Then they are responsible for their contractors.

Attorney Boorman: There are a whole set of laws that specify who has to be on the site for blasting, and there are not any lower level people who run these shows, these are highly defined duties for these people, so I'm sure that no blast goes off unless the boss is there.

Commissioner Clark: Okay.

Commissioner Zelek: In regard to these aquifers, I just want to make one more point, we don't need an expert to tell us they're there, because we've seen it. I've witnessed it on the side of the mountain, you've brought it up, so there is something going on there, they can't tell us what it is, but it seems as though CERT can.

Chairman Block: I think putting that requirement into the conditions should solve that issue for you, right?

Commissioner Sadil: I think you wanted the condition somewhere on the blueprint, right? I mean, that's where the rubber meets the road.

Chairman Block: Again, the issue on fifteen, who is the owner's representative that will, the owners engineer, the data that he gets should also be given to the town and presented to Chris, the Town Engineer.

Commissioner Clark: Is the owner Toll Brothers?

Chairman Block: No, the owner's representative, it's somebody working for Toll Brothers.

Commissioner Clark: No, no, I said the owners representative, the word owner refers to Toll Brothers.

Chairman Block: Yes.

Attorney Boorman: It's legitimate to have a defined contact. That's a defined person who would work with Chris. We can define Chris also.

Chairman Block: In sixteen again it says that, it refers to excessive over blast or unacceptable peak particle velocities overpressure or frequency values as determined by the engineer, and again, at this point it's the project engineer, I presume....

Commissioner Sadil: I would assume the Blasting engineer not the Town Engineer.

Chairman Block: Right, but the fact of the matter is, I want those limits at least estimated before hand so he has something to compare his data to, rather than, the blast works, that's enough.

Chris Greenlaw: Mr. Chair, as it pertains to the frequency values as determined by the engineer.

Chairman Block: Yes, let him say ahead of time what he thinks they ought to be.

Chris Greenlaw: Mr. Chair, if I will, and again, I urge you to go back to the testimony, three or four times now we've talked about this limiting criteria, we've talked about the frequency values a few times, as determined by the engineer, when I talk to the expert, if he simply refers back to the system charts, for a particular type of material, meaning the rock, so if he gives me the criteria for that rock, that's, you're looking for either an example or to actually put in a chart for the criteria maybe put the Siskin chart on here, circle it, this is what we are looking for, that's what you are looking for.

Chairman Block: Yes, just some sort of measure so that we can compare what they actually find against what they consider a safe limit.

Attorney Boorman: You'll have to work that out with him, in terms of what is practical to put in the blasting notes that satisfies the definitional issues.

Chairman Block: Seventeen I didn't have an issue with.

Eighteen I didn't have an issue with.

Nineteen, this to me seems and I'm open for correction, excavations lifts shall be limited to no more than 15 feet in height, okay, to me, I remember them saying, when they showed us that diagram of the retaining wall and they said that the blast didn't even move it, fifteen feet seems like a lot greater number than what he had told us about. Does anybody have any recollections in that regard? Chris, do you have any recollections? Fifteen feet, to me that sounds like a heck of a, I'm understanding that when they make the blast, the ground lifts fifteen feet before it falls back.

Commissioner Paskewich: No, this is a lift.

Chairman Block: The force of the explosion lifts it fifteen feet and then drops it back.

Commissioner Paskewich: No, not fifteen feet, not from the blast.

Attorney Boorman: It doesn't lift it....

Commissioner Sadil: I assume some scaffolding perhaps to do some drilling, a platform.

Commissioner Paskewich: No, the lift means that the rock may be placed back in at fifteen feet.

Attorney Boorman: Can I just read a quote to you folks, I'm reading January 8th minutes, page 29, about half way down, it starts with the most effects found in the extensions of the existing cracks with maximum cracks extend eighty to one hundred and eight bowl diameters or fifteen feet at the most from the blast. I think we heard the applicant's engineer say ten feet, this is the rubber hitting the road right from David Siskin and the research that has been done. Particle velocity at this distance, fifteen feet, range between 11.8 and 15.7, so all that stuff is there for you if you have a question about that.

Chairman Block: That is clear in my mind, that is horizontal distances, the word lift to me means vertical and it's possible within this art, if you will, a lift indicates a level to be cut and removed, well, we lift it off, but I think we need to find out, what does that mean?

Commissioner Paskewich: They go on to say, the blasting contractor can provide an engineering stiffness criteria, which means that the compaction of the lift needs to meet the satisfaction of a foundation holding itself and not moving.

Chairman Block: At this point, I acknowledge that I am confused. I need clarification. So let's, my thought is, I don't know of anything that we've been told that explains this so we need to have it found out.

Twenty, the contractor shall notify in writing of any subsurface or latent physical conditions at the site differing materially from those referred to in the contract documents. Investigate and advise the owners engineer in writing if conditions differ materially. This is what Chris was saying before. I think that the owners engineer and the Town Engineer....

Commissioner Paskewich: I need to define latent physical conditions.

Chairman Block: It's something undiscovered previously.

Commissioner Zelek: Such as an aquifer.

Commissioner Clark: I have a comment on that statement. I think that this is an awkwardly written sentence, who promptly investigates, it's not a sentence. The beginning of the sentence, the contractor shall do this, and then promptly investigate? I don't know how important legal language is....

Chairman Block: Well, there is a period in mine, after contract documents, but there is no, who should investigate? And again, report to the Town....

Commissioner Zelek: It says the owners engineer, it doesn't say anything about reporting to the Town.

Chairman Block: No, I'm just going to add it. To report to the town engineer.

Commissioner Clark: It says promptly. I would rather see immediately. Promptly is subject to interpretation.

Chairman Block: I will bow to our Town Attorney as to the, I can't remember the word, pick your word, sir.

Attorney Boorman: No, it's not up to me, it's up to you to pick, I have no legal opinion on that.

Commissioner Zelek: And I would add here that if latent conditions such as the aquifer are found activity is ceased.

Commissioner Clark: Immediately ceased. I mean, the problem is, it gives, I think there is wiggle room in this number twenty. It doesn't say anything about stopping in number twenty. It does not say a word about, and you are going to stop right now.

Chairman Block: So you are saying that you immediately investigate those conditions, advise the owner's engineer and the Town engineer in writing and stop work,

Commissioner Paskewich: Cease and desist are better verbiage.

Chairman Block: And do you want to be so kind as to say if any sign of aquifers are detected. In that way, it only affects them if it is affecting us.

Commissioner Clark: Well, you don't want somebody saying, oh, I didn't know a little water was a problem. In many cases, it might not be, it might just be normal conditions of blasting.

Chairman Block: Again, I would argue that traditionally these conditions that are imposed upon the blasting contractors are totally absent of any impact on the environment. They don't care, all they care about it shaking up the place, breaking a bridge or something like that, or accomplishing a goal. So we're intruding upon the tradition by having them do all this.

Commissioner Paskewich: Well I don't think we are intruding upon it, we're making it specific to our wetland commission, for wetlands.

Commissioner Clark: So we are going to re-write that, I'd like to see the language that says to stop, not at the tail end of the sentence, but something like, as soon as you find something, you stop, and then you investigate it, not investigate it and then stop. See what I mean. I think someone can put that in much better language than I can.

Commissioner Sadil: Cease and desist and investigate.

Commissioner Clark: Correct, in that order.

Chris Clark: Mr. Chair, if I will, what I would recommend is that, then you have a statement that an expert evaluate this, presumably someone on our behalf, the expert that is employed by us, that is going to be developing this plan with the contractor, therefore to inform us, and then recommend what is any potential impact and recommend what do we do now that we have this data.

Chairman Block: Okay, so after latent physical conditions, we could insert in brackets, signs of water? Jeff?

Commissioner Zelek: Well, I don't know, I'm not an aquifer expert, so I don't want to limit the wording, I just want to say, any indication of an aquifer.

Chairman Block: Well again, at this point Jeff, I would say that's.....

Commissioner Paskevich: Water emerging from the drilling or blasting area.

Commissioner Clark: Any.

Chairman Block: Well Jeff, if I can suggest, all those words have a finer meaning. At this point when you are talking about the original inquiry, the whole, first look at the whole, it's simply I think covers everything if you say any sign of water.

Commissioner Sadil: I'm being picky here, but sometimes they use water to lubricate the drills, don't they? So, upwelling of water.

Chairman Block: Okay, ground water.

Commissioner Zelek: And it may not come in the form of water, it may come in the form of a layer of silt in between the rock or barite or quartz or whatever the case may be that creates the porous substrate.

Commissioner Paskewich: Good point.

Chairman Block: I'd love to go that far, but I just think it might be a step too far.

Commissioner Zelek: Valentine's Day is coming, go ahead, make your love. Go for it.

Chairman Block: Again, I want to make sure this is defensible. If they bring it before a judge. If you want to say any sign of water bearing strata, but.....

Attorney Boorman: I think that you probably, all of us are out of our depth on this, why don't you just let Chris go back with the general theme that you are talking about and let him come back to you with language that meets the criteria and an explanation, so Chris has already written what you are talking about, I hope, and let him come back.

Chairman Block: I do appreciate doing that, but on the other hand, I see his shoulders sagging under the load, and if we can.....

Attorney Boorman: No matter what word you ultimately pick, he's still going to have to go back and talk to the consultant to find out if it makes any sense at all.

Chairman Block: All right. Chris, water bearing strata, or water whatever.....

Chris Greenlaw: I'll talk to the expert Mr. Chair, because my own professional experience in this town, I would challenge you to drill a hole and not find water, so I would like his input as to the definition of aquifer, aqualude, water, very important, and it would be someone of his expertise.

Chairman Block: Okay, is that agreeable?

Commission: Yes, fine.

Chairman Block: Number twenty-one is the general sequence of construction. The blasting in each phase, as soon as the (inaudible) is placed and I think it should be, as soon as the erosion control measures have been placed and the test blast data have been reviewed, because again, in accordance with the way I thought this would work rationally, they are going to do the test blast, review the data, put the erosion controls in, and then start contouring the land for construction.

Commissioner Clark: Could you say that again?

Chairman Block: The general sequence of construction is located on the various sheets, the earthwork will be conducted as soon as the erosion control measures have been placed, and this includes rock excavation for roads, blah, blah, blah, blah, and I'm saying that after erosion control measures have been placed, and the test blast data reviewed, then they will continue on.

Chris Greenlaw: So after placed, you want to add reviewed.

Chairman Block: Test blast data reviewed.

In twenty-two, I recall, and I wasn't able to find it in the minutes, in my quick review this afternoon, but at the time when the location of the test blast holes were being suggested to us by the applicant's engineer, there were several of them, and I asked for a couple more. I certainly think

that one test blast is not adequate, so I think we need to find out, given the change in the design, perhaps we don't need so many, but I do think there ought to be two, three, four test blast holes around the perimeter where in relationship to where they are going to be doing most of the blasting.

Commissioner Paskewich: Would this also relate to each phase as you are speaking to:

Chairman Block: Well they are proposing to do it in the first phase and just keep working off of that one, evolving if you will. I'm saying, I don't really have much faith in the fact that one test hole is going to be adequate for everywhere.

Commissioner Paskewich: I agree.

Chairman Block: I want several test blasts to begin with, in different locations, to give them more data to start with by which to plan their blasting procedures.

Attorney Boorman: So when they first do their tests, you want them to blast all four phases at the same time?

Chairman Block: Yes, right. Do them all at once and then they can correlate between the different directions and everything else, they'll have a lot more data to go on, and I think they can come up with a much better plan.

Commissioner Paskewich: How do we prescribe as to how many? How do we...

Chris Greenlaw: Again Mr. Chair, what you are getting at is, this is, number eight sums this up very well here, and again, what this is, is a guide to start a test blast program, so we can condition this, I've urged you to, I've offered you some, an example of conditions, and I think one of the first things that I mentioned is that we bring an expert on board, and that expert is going to work with them, like number eight, a test blast program designed by an independent blasting consultant, and/or the blasting contractor shall also be prepared, so that expert would work with the contractor. They would develop this plan. We could put conditions to supplement this plan if we thought there were any weaknesses or holes, whatever is in our best interest, and write that condition in there. We may note that specifically it only mentions Lot #38, Dr. Simms even nodded himself, and mentioned yes, we can provide much more monitoring, seismic monitoring stations, and we can condition that and have our expert make sure that in conjunction with the phasing we have one or two for each one, that is what that expert is going to do on our behalf.

Commissioner Paskewich: But not just subject to seismic.

Chairman Block: Yes, what else is there?

Commissioner Paskewich: You are only looking at seismic.

Chairman Block: That's all we care about, shaking the rock.

Commissioner Paskewich: That's not my purview, I'm not an engineer to look at seismic.....

Chairman Block: Have you heard of any of the criteria, is of concern.

Commissioner Paskewich: Well, I'm thinking that the more test wells that they are provided, rather than just one at that time, to be reports for those wells coming forward, more than one, not just seismic.

Attorney Boorman: I think what Chris is saying to you though, is a lot of this, you're getting into some very specific techniques that are being used to do the job that you are asking them to do, and what the blasting plan says, the criteria is going to be set by the experts in terms of what they find in the field. I think Chris should go back and talk in terms of numbers, if that is what you want to do, especially the idea of doing all four phases at the same time, because I think that is different, I don't remember that being in the testimony at all. Again, what I think Chris is pointing out, correct me if I'm wrong, is that that expert will design this and we are requiring him to obtain an expert to design it, to do what we are telling him to do, so I think it's hard for us to sit here and tell the expert what to do.

Chairman Block: Well again Chris, the important issue is that I read twenty-two to be one test blast, and that's not what was proposed to us at the hearing, so again, I want several, I want them to be representative of protecting the perimeter of the wetlands, and however they want to come back to us, but I don't want them to be able to come back to us after this is over, hey, you agreed that there was one blast on Lot #38.

Commissioner Sadil: A random sampling, a little something. I do have one question. When they use the language, Lot #38, furthest lot from the wetlands, I look at the latest plan, Lot #38 is right on the wetlands. It's right here. When I read that I thought it was going to be somewhere on Russell Road, #38 is right there.

Chairman Block: Good for you, missed that.

Commissioner Sadil: I would push that back....

Commissioner Clark: Was that always Lot #38?

Commissioner Sadil: Well, they moved, they made several changes to the plan already, based on all this input.

Chris Greenlaw: I refer you back to the minutes of the 8th, page 32, and Mr. Hosley here is talking about the development of this plan, and some of the things that you see in this plan he directly spoke to, I'll read from the paragraph about three quarters of the way down, I believe that the Commission has this available and basically covers the reviewing of the qualifications which are the blasting notes, submitted by the applicant, reviewing the pre-blast plan, reviewing the blast plan, implementing a test blast, keep in mind that we haven't blasted yet, we're still reviewing, implementing a test blast program and then reviewing the production blasting program for the concurrent results. All right? He goes on to speak a little bit more about this, but he's explaining the process and he even goes on as far as monitoring, about a seismic graph, so I think it's imperative that we write a condition that has an expert that is going to work with the contractor to develop this blast plan and to develop things that are in our best interest. Certainly if you want five, seven, ten monitoring stations, absolutely. That's why we have the expert.

Chairman Block: I agree with that. My concern as to the blasting notes is that according to this it says that it is going to start with this one, but it says the sequence of blasting, not the sequence of test blasting, not the sequence of test blasting in phase one, but according to this, once they do this test blasting, I'm just reading it, they continue on into the rock excavation, boom, and that's the only data that they are saying that they need to rely on. That's not what they said to us at public hearing.

Attorney Boorman: No, they clearly didn't say that, every blast, they monitor every single blast so what he wants is verification about that language in which the Chairperson is saying that he

believes that there is only one test blast that is being done. Clarify with him that that is not the case, and find out whatever language has to be done to deal with that. Chris, what I present to the Commissioners was a guide line for the responsibilities of the blasting contractor. The blasting contractor is going to tell us, much more than we know in terms of maximizing what our condition is, to make sure this is done the right way. You don't want, I don't recommend that you sit here and say you want seven test blasts done, because you don't know what the criteria is. He may say, for some reason, seven is a problem, it's not going, it's a waste of money, or something like that, this is what this guy is hired for and he has to report to the Town, as well as to the contractor, so you could get a specific answer to his question, so is there going to be one test blast, or do they continue to monitor all the way through which is what I remember him saying.

Chris Greenlaw: Yeah, and he goes on to say that in his testimony, he talks about the monitoring and establishing a propagation graph, a list of all points, they detonate ten pounds, twenty feet away, this was our seismic reading, put it on a graph, here's the next blast, it was forty-five feet away, and it's five hundred pounds, where does it fall on the graph in terms of particle velocity, frequency and that sort of thing, we can gather this data to help us guide us through.

Chairman Block: Right, and that's the criteria we talked about earlier. So the language of twenty-two does not reflect what they told us at hearings.

Twenty-three, the blasting contractor cannot heave the rock, well, I'm certain he can't pick it up himself, so I suggest, shall certify before hand, before blasting cannot heave the rock, it's his responsibility, he shall, he shall make sure.

Commissioner Clark: I just have another question on that, and I'm looking at Mr. Hosley's comments on page 34 of January 8th, and he states that it is illegal for flyrock to leave the blast site anyway, so that is sort of an interesting comment that.....

Attorney Boorman: I think that is the whole point. What we have to grasp here is these aren't guys going out there with two sticks of dynamite blowing things up. These guys have specific statutes they have to abide by, and regulations that define what the statutes do, and then on top of that, they have a standard in the trade that they are responsible for, some of the criteria of the books that he writes, they have more data that they have to follow than we can even grasp because we're not in that realm, so I would not like to see us put something in here that is somehow go directly opposite from what you are thinking and that is, if we write something by way of a condition that makes it easier than what these requirement are, it could backfire in terms of that, so we want to rely on these experts who have to report to the Town, including our Town Engineer to say, this is how it works and we go that way.

Chairman Block: Again, my issue with this, from the discussions that we had with Mr. Hosley, all of the criteria, all of regulations, all the issues that have been raised with blasting in the past, have all been to protect individuals, to protect structures and so on. He, to my understanding, said that it was novel for blasting to be considered as to how it affects the wetlands. Ordinarily if there is a depression in the ground, and you are blasting, you fill it with the debris. This is something, and while I agree entirely with Attorney Boorman, we don't want to diminish or relieve them of any of these other obligations. We are just adding to that to protect these wetlands.

Attorney Boorman: And I'll say, and I think some of you remember, when ever he used the word structure, after that, he always said wetlands, because that is the structure in his frame of mind, the wetland is the structure here.

Chairman Block: Under trench rock, in the first sentence at the end, it says, it may or may not be performed in conjunction with "mass rock" blasting, again, may doesn't mean anything to me, it should be shall not.

Commissioner Clark: It's bizarre, because it says, it may, or shall, or may not, how can it say both of those things?

Attorney Boorman: My guess is that is to be left on site in determination of what the conditions show, so in other words, I think it is not, you can check all this out, I'm guessing as much as you folks are in terms of these things, is that it's not something that is germane, it depends on conditions in the field.

Chairman Block: But the point is, as a matter of English, it doesn't speak well.

Chris Greenlaw: So you want shall instead of....

Chairman Block: Well, we are questioning if it should be shall not....

Chris Greenlaw: An explanation for that terminology, may or may not.

Chairman Block: And then I drop down to sensitive areas, and there on the first line it says the effect of blasting on structures, I would recommend adding to that, or bedrock in the areas of the wetlands.

Chris Greenlaw: Wait, I'm still thinking about trench rock. You can have both in the same area.

Chairman Block: Oh, absolutely, but it's a question of whether or not the blasting can occur for both purposes at the same time. That's what I read this to mean.

Chris Greenlaw: See, I would read that, that it is in the same location by giving your phasing and your operation of what you are doing, are we clearing, are we doing mass rock, and then specifically we go back and do trench.

Chairman Block: Well, it says conjunction, that means to me, at the same time.

Chris Greenlaw: Or in the same place. Overlapping operations, but just at a different time. So you question to the may is, it may.

Chairman Block: Again, and I go back to what Attorney Boorman is saying, I don't even know if that is relative to our concern at this point.

Chris Greenlaw: Well, that was going to be my next question. Why is this a bad thing for the wetland when it could even be outside a wetland area on a downward slope.

Attorney Boorman: It is, we know that it is.

Commissioner Sadil: This is a gray area, it could be both for purpose of a road or for a conduit. The distance requirements change with whether it is trench or mass, it gives them enough flexibility to do both, if you are in a gray area.

Chairman Block: Just clarify it. Again, going down to sensitive areas, I'm talking about the bedrock in the area, of the wetlands....

Commissioner Clark: We also have Lot #38 mentioned again. I'm sure it's an oversight, but it's worrisome to me that there is such an oversight.

Chairman Block: Oh, there are a lot of things that have to be kept track of. Again, here is a further definition for that propagation chart that Chris mentioned, again calling for parameters and so on.

Attorney Boorman: What item are you on?

Chairman Block: The second paragraph of sensitive areas....

Chris Greenlaw: Mr. Chairman, I just want to reiterate, some of the Commissioners that came in later, if the last few lines of your plot is illegible, I handed out an 8 ½ x 11 sheet to clarify that.

Chairman Block: And in that last paragraph it says a standoff distance from the wetland boundary, 4 times the depth of the closest borehole. Now the boreholes that he talked about were not going to be any more I think of twelve feet, so he's saying fifty feet from a wetland boundary. That at least has to be the upland review area proposed in the latest project. The latest drawing, which is 150 feet from the wetland boundary.

Attorney Boorman: You are talking about the definition of wetland boundary. So clarification as wetland versus the upland review area.

Chairman Block: It's the buffered boundary of 150 feet from the wetlands.

Commissioner Sadil: Stand off distance from the 150 foot buffer.

Attorney Boorman, Yes, or words to that effect.

Chairman Block: Again, in the next to last line, to accomplish satisfactory results while protecting the areas closest to the wetlands. It's protecting the area inside the upland review area.

Attorney Boorman: So once again, the buffer.

Chairman Block: Now, having presented you with my thoughts, what other issues to any of you want to bring up?

Attorney Boorman: One question I want to bring up, Chris is the one who got the room tonight. You told me we should be out of here at 8:30. Is it okay that we are at twenty of nine?

Chris Greenlaw: No, we have to vacate by 9:00, so what that means is that we have to adjourn the meeting, reset the room and get everything out by 9:00, so I need a good fifteen minutes probably.

Attorney Boorman: So we have five more minutes.

Chairman Block: Does anybody have any issues tonight that they are ready to put on the table?

Attorney Boorman: About blasting.

Chairman Block: About blasting.

Commissioner Clark: I just have a general question. Anything that prohibits these mats they talked about, anything that prohibits fly rock from flying, would that also prohibit smaller particles. I'm picturing fly rock as something that would hit me in the head and knock me out, but dust and other things that might fly up in the air, that could easily migrate to the wetlands, does anyone know if that technology prevents stuff, that would be less of a concern if you were just worrying about getting hit in the head?

Chairman Block: Every, all of my experience has been that it's going to keep everything down except for a very fine dust for a shorter duration and therefore I'd be hard pressed to consider that a significant impact, outside of making somebody sneeze

Commissioner Clark: But I think if it's up in the air enough to make somebody sneeze, that wetland is very sensitive as far as mineral content, and if you hit it on the wrong day, if there is really going to be dust in the air, it could migrate there and change the mineral content.

Chairman Block: But, as dust, I don't recall, tell me if I'm wrong, I don't recall hearing one word about that aspect of it in our testimony, and even if you try to hang it on using the mineral contents, it's going to be a one shot deal, so we have no information on that, how long it would create an effect, how long would the effect last, till the next rain storm, when the dust washed into the ground, again, I'm just concerned about going a field, making our entire conclusion suspect by harking in on something that we don't have good hard information on.

Commissioner Paskewich: Excuse me, I did bring up air materials, air borne materials, whether it's from the blasting or the crushing of the rock, and I think it was the engineer that stated that they would look into providing information for control in the sedimentation specifications to try to assure that columnar affect or wind movement of air borne materials were going to be controlled. They were going to put that in sedimentation.

Attorney Boorman: If you look into the minutes, page 34, it does, it uses the word rock, Mr. Hosley says in terms of Commissioner Igielski's question as to material going into the wetlands, he said, the way that the industry identifies that as fly rock, in other words, rock actually leaves the blast site, which is illegal in Connecticut, migrates outside the blast zone, that's identified by the blaster, it's regulated by the local Fire Marshal, and the State Fire Marshal, so all that stuff is covered. I do also recall that he showed pictures of the blankets that they lay down and we could just ask him that question, I actually thought that was asked that night, but I don't, and I thought he said no, as much as you can possibly can cover, but I can't find it in the minutes.

Chairman Block: Well, I'm more inclined to rely on Alan's recollection, in that we would look for this control in the other notes on the plan.

Commissioner Paskewich: Sedimentation erosion, I remember distinctly that the engineer said he would do that.

Attorney Boorman: But if your question had to do with blasting, maybe I'm wrong, but with blasting, you were talking about fine particles coming from the blasting which is not going to be in the other section.

Chairman Block: But the dust created by the crushing operation, that's going to be magnitudes greater than anything....

Commissioner Clark: That's a good point, crushing, it's not going to be covered. The questions evolve as time goes on and fortunately they evolve now.....

Chairman Block: With that, and Chris' time limit, I'd like to have a motion to adjourn until the next session.

Attorney Boorman: We have to finish the agenda items and set a date for the next meeting.

Chris Greenlaw: I just want to offer Mr. Chair that we have Thursday, February 14th, in Room B and C in the town hall available, that's the next date available.

Chairman Block: Tuesday is not available.

Chris Greenlaw: No, and Wednesday I'm covering for TPZ with Norine, so we will be doing the TPZ show, so we'll be unavailable that date, Wednesday, the 13th. So, we do have the 14th available, and would you like to advise the Commissioners the next topic that you would like them to hone up on.

Chairman Block: So we are in agreement that the next session is Thursday, the 14th. We're going to, as far as I'm concerned, we can cover the next three, if we possibly can. It's not as detailed as this. I would really appreciate.....

Commissioner Sadil: Excuse me the next ones are the water budget, pollution loading, and what was the last one?

Commissioner Clark: Home owners association.

Commissioner Paskewich: In response to Kathleen's schedule, you're returning when?

Commissioner Clark: I'm returning on the 24th.

Commissioner Paskewich: When is our last scheduled meeting?

Attorney Boorman: The 24th.

Chairman Block: The 28th.

Attorney Boorman: We have to decide by the 28th.

Commissioner Clark: Can we schedule ahead of time, a meeting for, say that Tuesday the 26th.

Chris Greenlaw: Right now the rooms that I have currently locked up are on the 14th, 19th, 21st, 26th and 28th. Thursday the 14th, our regular meeting Tuesday the 19th in 101, and then we also locked in Thursday the 21st, Tuesday the 26th and if needed, Thursday the 28th. Those we have reserved right now.

Chairman Block: Okay, the 26th is written in stone so that Kathleen has a chance to catch up.

Chris Greenlaw: In the mean time she will be getting the minutes via e-mail.

Chairman Block: Again, please send your issues to Chris and to the rest of us so that we can all get off to a running start.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

VII. COMMUNICATIONS AND REPORTS

None.

VIII. ADJOURNMENT

Commissioner Sadil moved to adjourn the meeting. The motion was seconded by Commissioner Paskewich. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Norine Addis,
Temporary Recording Secretary